IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.593 OF 2005

Murlidhar N. Gaikwad and anr. ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr. U.B. Nighot, for the Applicants.

Mr. D.R. More, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

10th February 2005

P.C.:

. Heard Counsel for the parties. Perused the record. I see no reason to depart from the conclusion reached by the Sessions Court while rejecting bail application preferred by the present Applicants. The argument that there is discrepancy in the dying declaration cannot be the basis to release the Applicants on bail because that is matter for trial. Reliance was placed on document at Exhibit B dated 2nd April

2004 to contend that the deceased was admittedly in hospital indicating history of accident due to stove blast. This submission overlooks that on the date, soon thereafter, the statement of the deceased has been recorded on 2nd April 2004 and the fact stated therein has been reiterated in the dying declaration. Not a case for bail. Rejected.

. The Sessions Judge, Pune, is directed to assign the case to Fast Track Court, if not already done, so as to ensure early disposal of the trial. The trial be concluded preferably within six months from the date of receipt of writ of this Court keeping in mind that the accused are already in jail for over one year.

(A.M.KHANWILKAR,J.)